

'IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED

JUL 29 2021

CLERK, U.S. DISTRICT COURT
NORFOLK, VA

APRIL R. D.,

Plaintiff,

v.

CIVIL ACTION NO. 2:20cv210

ANDREW SAUL,
COMMISSIONER OF
SOCIAL SECURITY ADMINISTRATION,

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on April R. D.'s ("Plaintiff") action for judicial review of the final decision of the Commissioner of Social Security ("Defendant") denying Plaintiff's claim for Supplemental Security Disability Income. On September 17, 2020, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. On October 19, 2020, Plaintiff filed a Motion for Summary Judgment and accompanying memorandum. (ECF Nos. 15). On November 18, 2020, the Commissioner filed a cross-Motion for Summary Judgment and Memorandum in Support. (ECF Nos. 17 and 18). On June 29, 2021, the Magistrate Judge filed his report recommending that Plaintiff's Motion for Summary Judgment be **GRANTED**, that Commissioner's Motion for Summary Judgment be **DENIED**, and the Commissioner's final decision be **VACATED** and **REMANDED**. By copy of the report, each party was advised of their right to file written

objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed June 29, 2021, and it is, therefore **ORDERED** that Plaintiff's Motion for Summary Judgment is **GRANTED** and Defendant's Motion for Summary Judgment is **DENIED**. Accordingly, the decision of the Commissioner is **VACATED** and the case is **REMANDED** for further administrative proceedings. The Clerk shall mail a copy of this final Order to counsel for both Parties.

IT IS SO ORDERED.

Norfolk, Virginia
July 29, 2021



Raymond A. Jackson
United States District Judge